



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/772,601	01/30/2001	Thomas W. Poplawski	P/2167-247	1711

7590 09/08/2003

MICHAEL J. SCHEER
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
1177 AVENUE OF THE AMERICA, 41 ST FLOOR
NEW YORK,, NY 10036-2714

EXAMINER

AKERS, GEOFFREY R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 09/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. <i>09/772601</i>	Applicant(s) <i>Poplouchi</i>
	Examiner <i>Ahey, g</i>	Art Unit <i>7624</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 8/25/03.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-32 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-32 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. 11/123456789.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3624

DETAILED ACTION

Response to Amendment

1. This action is issued in response to applicant's Response(Paper#6) filed 8/25/03.
2. No claims were amended. None were added. None were deleted.
3. Claims 1-32 as originally filed, are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-32 are rejected under 35 USC 103(a) as unpatentable over Schutzer(US Pat.No: 6,292,789) in view of Hilt(US Pat. No: 5,465,206) and further in view of Lowery(US Pat. No:6,374,229).

6. As per claims 1-32 Schutzer teaches a method for effectuating electronic bill presentment(Abstract)(Figs 1-32) through at least one biller(Fig 3) over the internet(Fig 2/116) and e-mail containing billing information(Fig 7/152). Hilt teaches banks acting as customer service providers(Abstract)(Figs 4-12) for the payment of bills over a payment network(Fig 7)(Fig 8) as well as a billing database(Fig 4/108).Hilt also teaches a biller who maintains a general ledger of all accounts(Fig 4/14/42) as well as a universal biller reference file(Fig 6/106).

Art Unit: 3624

as well as a customer bill invoice(Fig 7/120)(Fig 11/250)and a bill pay order(Fig 7/122)(Fig 9/210) as well as a payment network with a payment e-message(Fig 8/124)(Fig 12/124)in the bill pay system(col 17 line 19-col 22 line 27). Lowery teaches secure access to a home page on the internet by a browser based technology or thin client technology to access the database server(col 2 lines 49-65).It would have been obvious to one skilled in the art to combine Schutzer in view of Hilt and further in view of Lowery to teach applicant's invention. The motivation Schutzer in view of Hilt is to teach an electronic bill presentment and payment system utilizing e-mail notices and which incorporates banks as customer service providers as enunciated by Hilt(col 10 lines 30-62). Furthermore, the motivation to combine Schutzer in view of Hilt and further in view of Lowery is to teach an electronic billing and payment system utilized over the Internet with secure access to the database server as enunciated by Lowery(col 2 line 66-col 3 line 3) which provides an integrated internet billing and data processing communication system for brower based computer subscribers.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-32 are furthermore rejected under 35 USC 112(2nd) for failing to define and specifically point out what applicant regards is the invention. The claims are too broad and indefinite to resolve a distinctive novel set of features over the existing art.

Art Unit: 3624

Response to Arguments

9. Applicant's arguments filed 8/25/03 have been fully considered but they are not persuasive. Hilt teaches a biller who maintains a general ledger of all accounts (Fig 4/14/42) as well as a universal biller reference file (Fig 6/106), as well as a customer bill invoice (Fig 7/120) (Fig 11/250) and a bill pay order (Fig 7/122) (Fig 9/210) as well as a payment network with a payment e-message (Fig 8/124) (Fig 12/124) in the bill pay system (col 17 line 19-col 22 line 27).

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00

Application/Control Number: 09/772601

Page 5

Art Unit: 3624

PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.



September 7, 2003

**DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER**